

# DYKEMA GOSSETT

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**Date:** March 23, 2004 **Total Pages Including Cover Page:** 5  
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March 23, 2004

Office of Initial Patent Examination's  
Filing Receipt Corrections  
Facsimile No. 703-746-9195

Re: U.S. Patent Application No. 10/712,865 for the Invention Entitled "BILLIARD BALL RACK"  
Filed on November 13, 2003  
Our File No. 65,300-1464

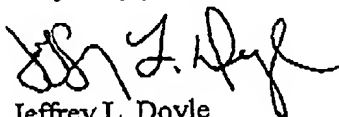
Dear Madam or Sir:

Upon review of the Filing Receipt for the above referenced patent application mailed March 12, 2004, Applicant noticed that the Domestic Priority Data set forth therein is incorrect. In particular, the filing receipt states that the above referenced patent application is a "CON of 09/699,603 10/30/2000 ABN". Applicant respectfully submits that this data is incorrect because the holding of abandonment for Application No. 09/699,603 was withdrawn, as evidenced by the Notice dated November 7, 2003 (attached hereto), indicating that Applicant's Petition to Withdraw Holding of Abandonment was granted.

Accordingly, please correct the priority data to reflect that Application 09/699,603 is not abandoned as marked on the accompanying copy of the Filing Receipt.

Should you have any questions or need anything further, please do not hesitate to contact me.

Very truly yours,

  
Jeffrey L. Doyle  
Reg. No. 54,074

Attachments

BH01456828.1  
IDVLD0

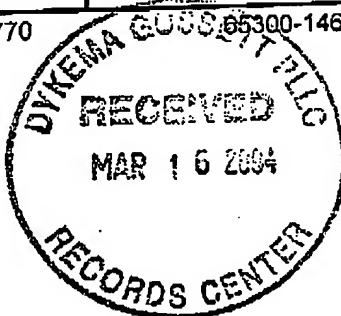


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/712,865	11/13/2003	3634	770	65300-1464	5	5	1

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CONFIRMATION NO. 8638

FILING RECEIPT



\*OC00000012097789\*

Date Mailed: 03/12/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

William R. McCormick, Kenosha, WI;  
 Kelly M. Wolcott, Kenosha, WI;  
 Theodore J. Caron, Kenosha, WI;

Domestic Priority data as claimed by applicant

This application is a CON of 09/699,603 10/30/2000 ABN

*The abandonment of application serial no. 09/699,603 has been withdrawn pursuant to the Notice mailed 11/7/03 indicating Applicant's petition to withdraw the HOLDING of ABANDONMENT has been granted.*

Foreign Applications

If Required, Foreign Filing License Granted: 03/12/2004

Projected Publication Date: 06/24/2004

Non-Publication Request: No

Early Publication Request: No

Title

Billiard ball rack

Preliminary Class



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Paper No. 15

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NOV 07 2003

OFFICE OF PETITIONS

In re Application of  
McCormick et al.  
Application No. 09/699,603  
Filed: 30 October, 2000  
Attorney Docket No. BRU06 P-419

ON PETITION

This is a decision on the petition, filed by facsimile on 28 October, 2003, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

The application was held abandoned on 22 July, 2003, for failure to timely file new formal drawings as required by the Notice of Allowability mailed on 21 April, 2003, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 27 August, 2003.

Petitioners asserts that the formal drawings were timely filed on 21 July, 2003. In support of the petition, petitioners have submitted a copy of five sheets of drawings as well as a postcard bearing an "Office-date" stamp of 21 July, 2003, itemizing the filing of, *inter alia*, Drawings (5 pgs.) and identifying the application by Application Number. Petitioners have also submitted a copy of the transmittal letter, bearing a certificate of mailing dated 17 July, 2003, transmitting the formal drawings.

A review of the documents submitted reveals that the transmittal letter filed with the drawings miscaptioned the application number as 09/669,603. Under current Office procedure, a response that has an incorrect serial number is handled in accordance with MPEP 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the PTO, the holding of abandonment will be withdrawn.

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Application No. 09/699,603

The first inventor's name, title of invention, filing date, attorney docket number, Examiner's name, and Art Unit are correctly stated on the drawing transmittal letter. In reviewing the papers which were submitted, it is therefore concluded that there was sufficient information thereon to associate the papers with the instant file. Further, a review of Office PALM records indicates that drawings were received in the USPTO and forwarded to the USPTO contractor for pre-issuance review on 11 August, 2003. It is therefore concluded that the formal drawings were in received in the Office but may have been delayed in being matched with the proper application due to the incorrect application number on the transmittal letter. However, if it is later determined that the formal drawings were not in fact received in the USPTO, petitioners will be required to supply a new copy thereof.

The petition complies with the requires set forth in 37 CFR 1.8(b).

Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been paid.

This application is being forwarded to the Publishing Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions